

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the remarks that follow.

Examiner Interview

Applicant thanks examiner Sutton and supervisory examiner Lungin for extending the courtesy of a telephone interview on February 22, 2010. In this interview, the examiners informed Applicant's representative that amending claim 3 to recite the limitation of pending claim 6 should address the section 112-first paragraph issues raised in the present Office action. The examiners also suggested canceling withdrawn method claims to expedite allowance and to limit the pending and withdrawn composition claims to "phenyl" polymers.

The examiners were further understood to state that the PTO will withdraw the section 112- first paragraph rejections and reinstate all withdrawn composition claims if these claims are amended along the lines disclosed above.

Claim Status

Applicant thanks examiner Sutton for indicating that claim 4 is allowable in the December 30th Office Action. Claims 6, 32, 38-48 and 53-54 are cancelled. Claim 13 was previously cancelled. Claims 3, 7, 14-17, 25, 27, 28, 29, 31, 37, 49 and 52 are amended to conform the claims to "phenyl" polymers or to correct claim dependency.

Claims 3-5, 7-12, 14-31, 33-37 and 49-52 are currently pending.

35 U.S.C. § 112, first paragraph, rejections

Claims 3 and 18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The PTO is understood to state that "it is not clear whether the phenyl group is pendant from or part of the polymer backbone." See Office action at page 3.

Pursuant to the examiner and his supervisors' suggestion during the telephone interview, Applicant has amended claim 3 to incorporate the limitation of claim 6 (now cancelled). This amendment addresses the written description rejection which is now moot.

35 U.S.C. § 112, second paragraph, rejections

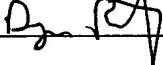
Claims 3 and 18 are rejected under 35 U.S.C. 112, second paragraph, as indefinite. Particularly, the PTO states that Formula I is incomplete and confusing. The amendment to claim 3 overcomes this rejection.

CONCLUSION

Having amended the claims as suggested by the examiners, Applicant believes that the present application is in condition for allowance and respectfully requests examiner Sutton to provide the Applicant with an early indication of the same. Should any issues remain, however, that may warrant further discussion, then examiner Sutton should contact the undersigned attorney to discuss these issues.

Respectfully submitted,

Date March 1, 2010

By 

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 295-4620
Facsimile: (202) 672-5399

Benjamin Berkowitz
Attorney for Applicant
Registration No. 59,349

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, then the Commissioner is authorized to charge the unpaid amount to the above deposit account. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to the same deposit account.